
HOUSE BILL 1803

State of Washington 61st Legislature 2009 Regular Session

By Representatives Hudgins, Hasegawa, Santos, Chase, and Ormsby

Read first time 01/29/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to protecting persons with disabilities from
2 harassment; and amending RCW 9A.46.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.46.020 and 2003 c 53 s 69 are each amended to read
5 as follows:

- 6 (1) A person is guilty of harassment if:
- 7 (a) Without lawful authority, the person knowingly threatens:
- 8 (i) To cause bodily injury immediately or in the future to the
9 person threatened or to any other person; or
- 10 (ii) To cause physical damage to the property of a person other
11 than the actor; or
- 12 (iii) To subject the person threatened or any other person to
13 physical confinement or restraint; or
- 14 (iv) To commit a sex offense against a person with a disability; or
15 (v) Maliciously to do any other act which is intended to
16 substantially harm the person threatened or another with respect to his
17 or her physical or mental health or safety; and
- 18 (b) The person by words or conduct places the person threatened in

1 reasonable fear that the threat will be carried out. "Words or
2 conduct" includes, in addition to any other form of communication or
3 conduct, the sending of an electronic communication.

4 (2)(a) Except as provided in (b) of this subsection, a person who
5 harasses another is guilty of a gross misdemeanor.

6 (b) A person who harasses another is guilty of a class C felony if
7 either of the following applies: (i) The person has previously been
8 convicted in this or any other state of any crime of harassment, as
9 defined in RCW 9A.46.060, of the same victim or members of the victim's
10 family or household or any person specifically named in a no-contact or
11 no-harassment order; or (ii) the person harasses another person under
12 subsection (1)(a)(i) of this section by threatening to kill the person
13 threatened or any other person.

14 (3) The penalties provided in this section for harassment do not
15 preclude the victim from seeking any other remedy otherwise available
16 under law.

17 (4) For the purposes of this section:

18 (a) "Person with a disability" means a person who:

19 (i) Has a physical or mental impairment that substantially limits
20 one or more major life activities; and

21 (ii) Either:

22 (A) Has a record of the impairment; or

23 (B) Was regarded by the perpetrator as having the impairment.

24 (b) "Sex offense" has the same meaning as in RCW 9.94A.030.

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